



Haryana Government Gazette

EXTRAORDINARY

Published by Authority

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No. 150-2022/Ext.]

CHANDIGARH, MONDAY, AUGUST 22, 2022

(SRAVANA 31, 1944 SAKA)

LEGISLATIVE SUPPLEMENT

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PART - I**HARYANA GOVERNMENT****LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 22nd August, 2022

No. Leg.24/2022.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 18th August, 2022 and is hereby published for general information:-

HARYANA ACT NO. 24 OF 2022**THE HARYANA MUNICIPAL (AMENDMENT) ACT, 2022****AN****ACT**

further to amend the Haryana Municipal Act, 1973.

Be it enacted by the Legislature of the State of Haryana in the Seventy-third Year of the Republic of India as follows:—

1. This Act may be called the Haryana Municipal (Amendment) Act, 2022. Short title.
2. In section 2 of the Haryana Municipal Act, 1973 (hereinafter called the principal Act),- Amendment of section 2 of Haryana Act 24 of 1973.
 - (i) after clause (5A), the following clause shall be inserted, namely:-
‘(5AA) “Chief Executive Officer” means an officer not below the rank of Extra Assistant Commissioner appointed by the State Government as Chief Executive Officer of the Municipal Council situated at district headquarter;’;
 - (ii) after clause (9A), the following clause shall be inserted, namely:-
‘(9AA) “District Municipal Commissioner” means an officer not below the rank of Extra Assistant Commissioner appointed by the State Government as District Municipal Commissioner for monitoring and supervising the functions of the committees falling in his jurisdiction;’;
 - (iii) after clause (9B), the following clause shall be inserted, namely:-
‘(9BB) “Divisional Commissioner” means the Commissioner of the Division in which the municipality is situated and includes any other officer appointed by the State Government to perform all or any of the functions of the Divisional Commissioner under this Act;’.
3. In section 69 of the principal Act,- Amendment of section 69 of Haryana Act 24 of 1973.
 - (i) in clause (c) of sub-section (1), for the words and signs “as the State Government may, by notification, direct”, the words and signs “as the State Government may, by notification, in respect of each committee, direct” shall be substituted and shall be deemed to have been substituted with effect from the 1st April, 2021;
 - (ii) for the words “The amount of the duty so collected shall be paid to the committee concerned” existing at the end of sub-section (1), the words and sign “The amount of the duty so collected shall be paid to the committee or on behalf of the committee to the Haryana Urban Infrastructure Development Board for the development of infrastructure in any area of the committee of the State, as the State Government may determine, by notification” shall be substituted and shall be deemed to have been substituted with effect from the 1st April, 2021.

Substitution of section 128 of Haryana Act 24 of 1973.

4. For section 128 of the principal Act, the following section shall be substituted, namely:-

“128. Place/premises not to be used for certain purposes without licence.—

(1) No person shall use or permit to be used any place/premises for the purpose specified by the State Government as dangerous to life, health or property or likely to create nuisance, without or otherwise than in conformity with the terms of a licence granted by the committee in this behalf.

(2) The committee may impose such other conditions while granting licence, as it may deem necessary.

(3) Whoever without a licence uses any place/premises or contravenes any of the conditions of licence shall be punishable with imprisonment for a term upto six months or with a fine which shall not be less than one thousand rupees but not more than five thousand rupees and with a further fine of one hundred rupees for every day during which the offence is continued.”.

Insertion of section 128A in Haryana Act 24 of 1973.

5. After section 128 of the principal Act, the following section shall be inserted, namely:-

“128A. Prohibition of keeping animals or birds in municipal area.—

Notwithstanding anything to the contrary contained in this Act, no quadruped animals or birds shall be permitted to be kept and reared within the limits of committee:

Provided that cat or dog or bird may be kept as domestic pets in terms of the licence granted by the committee:

Provided further that cows or she-buffalos or any other milch animals or their young ones shall be allowed to be kept for domestic use in the villages falling in the outer periphery included in the limits of municipality:

Provided further that villages falling in the outer periphery included in the limits of committee and the period for keeping milch animals on the basis of change in demographic profile of such areas shall be decided by the concerned committee by way of resolution. The committee shall also provide reasonable time for rehabilitation of animals from prohibited area to permitted area by its resolution:

Provided further that the provisions of this section shall not be applicable in zones where such kind of activities are permitted as per the plan notified under the provisions of the Haryana New Capital (Periphery) Control Act, 1952 (Punjab Act 1 of 1953), the Haryana Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963) and the Haryana Municipal Act, 1973 (24 of 1973):

Provided further that the provisions of this section shall not be applicable to cattle pounds and gaushalas owned/managed by the committee or any other department of the State Government including registered gaushalas.

Explanation.— For the purposes of this section,-

- (i) “quadruped animals or birds” means animals or birds which are prohibited under any law for keeping and rearing;
- (ii) “villages falling in the outer periphery” means and includes such villages or areas, as specified by the committee as per demographic profile;
- (iii) “milch animals” means cow, she-buffalo, she-goat, she-camel etc. which are not prohibited under any law for keeping and rearing.”.

Omission of section 129 of Haryana Act 24 of 1973.

6. Section 129 of the principal Act shall be omitted.

Omission of section 130 of Haryana Act 24 of 1973.

7. Section 130 of the principal Act shall be omitted.

Insertion of section 131A in Haryana Act 24 of 1973.

8. After section 131 of the principal Act, the following section shall be inserted, namely:-

“131A. Fee and time period for license.— Notwithstanding any provision of this Act or bye-laws made thereunder with regard to levy of fee by the committee, for every licence, a fee may be charged at such rate and for such period, as may be specified by the State Government, from time to time.”.

9. In section 205 of the principal Act, for the word “Commissioner” wherever occurring, the words “Divisional Commissioner” shall be substituted. Amendment of section 205 of Haryana Act 24 of 1973.
10. For section 249 of the principal Act, the following section shall be substituted, namely:— Substitution of section 249 of Haryana Act 24 of 1973.
- “249. Action of Deputy Commissioner to be immediately reported.—** When the Deputy Commissioner makes any order under section 246 or section 247 or section 248, he shall forthwith forward to the Divisional Commissioner a copy thereof, with a statement of reasons for making it with such explanation, if any, as the committee of such municipality may offer and the Divisional Commissioner may thereupon confirm, modify or rescind the order:
- Provided that Divisional Commissioner may directly confirm, modify or rescind any resolution or order of Municipal Council of district headquarter after obtaining report from any officer authorized by him, if required:
- Provided further that if an officer subordinate to the Deputy Commissioner under the delegated powers makes an order under section 246 or section 247 or section 248 in the case of a Municipal Committee, the power of confirmation, modification or rescission of such order shall vest in the Deputy Commissioner, who shall, before exercising such power, consider the explanation of the committee of such municipality which it may offer and the Deputy Commissioner may thereupon confirm, modify or rescind the order.”.

BIMLESH TANWAR,
ADMINISTRATIVE SECRETARY TO GOVERNMENT,
HARYANA, LAW AND LEGISLATIVE DEPARTMENT.